

**REMARKS**

Claims 3-10 and 25-28 were pending in the application.

Claims 4, 5, 7-10 and 25-28 were withdrawn.

Claims 3 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claims 1-2, and 11-31 are cancelled.

Claims 3, 4, 6, 8, 9 and 10 have been amended.

Claims 32-35 are new.

Claims 3-10 and 32-35 are pending.

**35 U.S.C. 112 Second Paragraph**

The Examiner asserts that formula for the compounds of formula "(I)" as depicted in the claims 3 and 6 is confusing in that it appears to be part of the formula  $A(B)_x$ . The Applicants have reformatted claims 3, 6, 8, and 9 so that the "(I)" directly following " $A(B)_x$ " is properly spaced so that it no longer appears to be part of the formula.

The Examiner finds the formula "  $A(H)_x$  (VI)" for claim 6 undefined. Claims 6 and 9 have been reformatted to increase the spacing between the Roman numeral "(VI)" and " $A(H)_x$ " and the phrase "wherein A and  $x$  have the same meaning as in formula (I)" has been added to clarify the meaning of " $A(H)_x$ ". Thus, the 35 U.S.C. 112, second paragraph rejections for 3 and 6 have been overcome.

Applicants have amended claims 3, 6, 8 and 9 to delete the term "although" and replace with "wherein".

Claims 4 and 10 have been amended to eliminate the term "preferably".

Reconsideration and withdrawal of rejection of claims 3-10 and 32-35 is respectfully solicited in light of the amendments and remarks above.

### **Restriction and Rejoinder**

Group III, claims 3 and 6, are drawn to processes for coloring polymer;

Group IV, claims 4, 5, 9 and 10, are drawn to colored plastic materials;

Group V, claims 7 and 8, are drawn to other pigmented materials.

Applicants have elected to prosecute the invention of Group III, claims 3 and 6. However, the claims of Groups IV and V incorporate all of the inventive features of Group III.

According to MPEP 821.04 Rejoinder:

Where product and process claims drawn to independent and distinct inventions are presented in the same application, applicant may be called upon under 35 U.S.C. 121 to elect claims to either the product or process. See MPEP Section 806.05(f) and Section 806.05(h). The claims to the nonelected invention will be withdrawn from further consideration under 37 CFR 1.142. See MPEP Section 809.02(c) and Section 821 through Section 821.03. However, if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

The articles described in claims 4-5 and 7-10 include all the limitations of process claims 3 and 6. Claims 8 and 9 have been amended to facilitate rejoinder. Therefore, the Applicants respectfully request rejoinder of Groups IV and V with Group III upon allowance of claims 3 and 6.

### **New Claims**

New claims 32, 33, 34, and 35 are based on cancelled claims 25, 27, 26, 28 respectively but have been converted to process claims dependent on either claims 3 or 6. An equal number of claims have been added to replace those that have been cancelled.

Each of the new claims are narrower in scope than claims 3 and 6 and include all of the inventive features of 3 or 6. No new matter has been added. Applicants respectfully request that the new claims be considered although after Final Rejection.

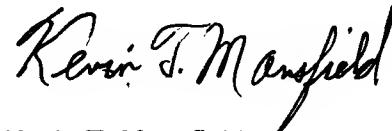
**Election of Species**

Applicants reaffirm that claims 3 and 6 are directed to a single inventive feature, which is the latent pigments having a selected leaving group. The chromophores are not the essential differentiating inventive feature in this case. Thus all the chromophores named in claims 3 and 6 are included within the scope of claims 3 and 6.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 3-10 and 32-35 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



Kevin T. Mansfield  
Agent for Applicants  
Reg. No. 31,635

Ciba Specialty Chemicals Corporation  
540 White Plains Road  
Tarrytown, New York 10591  
(914) 785-7127  
SAL\22088\_DIV\_FR.doc

AUG 25 2003